

**COMMON INTEREST COMMUNITY BOARD
OMBUDSMAN REGULATORY REVIEW COMMITTEE MEETING**

MINUTES OF MEETING

The Ombudsman Regulatory Review Committee of the Common Interest Community Board met on Thursday, June 11, 2009, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members were present:

Milton W. Matthews, Chair
Prudence Bachmann
Ronda S. DeSplinter
Coleen Hillen
William A. Marr, Jr.
William Bradley Mason, Jr.
Lucia Anna Trigiani (Ex-Officio)
Katherine E. Waddell

Committee member Thomas Burrell, III, was not in attendance.

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
Nick Christner, Deputy Director of CID
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Thomas K. Perry, Property Registration Administrator
Betty C. Jones, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Mr. Matthews, Chair, called the meeting to order at 10:07 a.m. Mr. Matthews welcomed everyone and introduced the Board members and the staff. **Call to Order**

Mr. Marr moved to approve the agenda. Ms. Bachmann seconded the motion which was unanimously approved by: Bachmann, DeSplinter, Hillen, Marr, Mason, Matthews, Trigiani, and Waddell. **Approval of Agenda**

Mr. Matthews opened the floor for public comment. No members of the public present requested to speak. **Public Comment Period**

Ms. Henshaw noted that Mr. Burrell, a property owner association homeowner committee member, was not in attendance. Ms. Henshaw provided an overview of the purpose of this Committee, including a brief overview of the legislation enacted in 2008 that created the Common Interest Community Board, as well as various regulatory actions that were necessitated by the enactment of legislation related to common interest communities. Once this Committee drafts the regulations, the Board will review the text to make any needed changes, additions, or deletions prior to adoption as proposed.

**Overview/Review
Purpose of
Committee**

Mr. Courtney gave an overview of Executive Order 36 and its impact on the regulatory review process.

**Review Executive
Order #36**

Mr. Courtney provided an overview of the regulatory review process including specific information that must be provided to other state agencies as well as the public during the regulatory review process.

**Overview of
Regulatory Review
Process**

Ms. Henshaw discussed the Committee's schedule for developing the proposed draft Ombudsman Regulations. Based on the information Mr. Courtney provided, the Committee has a short time period to develop these regulations. In order to accomplish its objectives, the Committee needs to provide a draft of the regulations to the Board at its October 13, 2009, meeting.

**Discuss Committee's
Schedule for
Proposed
Regulation**

Mr. Christner provided an overview of the Compliance and Investigations Division and the complaint process for the programs housed within the Department. Mr. Christner stated that the focus of these regulations should be on adverse decisions from associations and not complaints that are filed with his division as those will be handled in accordance with the process currently in place. All of the complaints may come to the Ombudsman to decide if it is a complaint, an adverse decision, or a criminal issue.

**Overview of
Compliance and
Investigations
Division**

Ms. Gillespie gave a synopsis of the Office of the CIC Ombudsman and provided a handout on developing a better understanding of the Office of the CIC Ombudsman. Ms. Gillespie discussed what the Ombudsman's office can do at this time, what it cannot do, the current complaint process, and what the complaint process may include in the future.

**Synopsis of the
Office of the CIC
Ombudsman**

The Committee recessed at 11:10 a.m. and reconvened at 11:24 a.m.

Break

Mr. Courtney provided a short summary of what should and should not be done when drafting regulations. In addition, the difference between

**Regulations/
Regulation Drafting**

regulation and statute was discussed.

101

Ms. Henshaw reviewed pertinent sections of Chapter 23.3 of Title 54.1 of the law. This law includes the composition of the Board, the powers and duties of the Board, and specific powers and duties of the Board concerning associations.

**Review of
Applicable Laws
Chapter 23.3 of Title
54.1**

Ms. Henshaw reviewed pertinent sections of Chapter 29 of Title 55 of the law. This law includes the powers of the Board, the roles and responsibilities of the Ombudsman, and the requirement that the Board establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens.

**Chapter 29 of Title
55**

Ms. Henshaw provided a general outline of suggested topics that may be addressed in the Common Interest Community Ombudsman Regulations. The Committee will need to decide areas that should be more specific and the structure of the regulations. Some areas of concern are: what information is needed to file a complaint with the association, the definition of an adverse decision and final adverse decision, and the process for filing a notice of final adverse decision.

**Discussion of Topics
to be Addressed in
Common Interest
Community
Ombudsman
Regulations**

The Committee recessed for lunch from 12:04 p.m. to 12:45 p.m.

Lunch

The Committee continued its discussion of topics that need to be addressed in the draft Ombudsman Regulations. The Committee focused its attention on the association's complaint process.

**Discussion of Topics
to be Addressed in
Common Interest
Community
Ombudsman
Regulations**

The Committee discussed its plan for the next Committee meeting. After discussion, it was determined that the Committee would continue reviewing the document entitled "Ombudsman Regulations Items for Discussion/Consideration" and submit responses regarding the section entitled "Part III, Final Adverse Decision" to Ms. Henshaw by June 29, 2009. The comments will be discussed at the next Committee meeting.

After discussion, the Committee approved the following meeting dates by consensus: July 7, 2009 and July 27, 2009. The Committee also agreed to have all the Committee meetings begin at 10:00 a.m.

**Other Business/
Set Next Meeting
Date(s)**

Ms. Waddell departed at 2:35 p.m.

**Ms. Waddell's
Departure**

The Board members serving on the Committee were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
and Travel Voucher**

Forms

There being no further business, the meeting was adjourned at 2:44 p.m. **Adjourn**

Lucia Anna Trigiani, Chair

Jay W. DeBoer, Secretary

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